

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present After-Final Amendment is being made to facilitate prosecution of the application and does not require further search.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-28 are pending in this application. Claims 1, 12, 15, and 26, which are independent, have been amended. Support for this amendment is provided throughout the Specification as originally filed. Specifically, support is provided at pages 17-18 and 22-23. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-7, 10, 12-21, and 24 were rejected under 35 U.S.C. §103(a) as allegedly unpatenable over U.S. Patent No. 6,697,099 to Smith et al. in view of U.S. Patent No. 6, 556,590 to Saeijs et al.

Independent claim 1, as amended, recites, *inter alia*:

“...wherein said discontinuity information data contains at least an indication of a status change of content and position within a source data.”

As understood by Applicant, Saeijs relates to an apparatus and method for transmitting MPEG-information signal and a method for reproducing the signal. Applicant respectfully submits that the disclosure in Saeijs of detecting a “discontinuity” in a SOA tag and assuming that it came from a TP that has not been recorded, such that “missing” packets are replaced with null packets does not teach or suggest discontinuity information data contains at least an indication of a status change of content and position within a source data, as recited in claim 1.

Thus, Applicant submits that the combination of Smith and Saeijs as applied by the Examiner does not disclose or suggest the above-identified feature of claim 1. Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 12 and 15 are also believed to be patentable.

Claims 1, 8, 9, 11, 15, 22, 23, and 25-28 were rejected under 35 U.S.C. §103(a) as being unpatenable over U.S. Patent No. 6,697,099 to Smith et al. in view of U.S. Patent No. 5, 786,845 to Tsuria et al. and further in view of U.S. Patent No. 6,529,246 to Maeda.

As stated above, independent claim 1, as amended, recites, *inter alia*:

“...wherein said discontinuity information data contains at least an indication of a status change of content and position within a source data.”

Applicant submits that the combination of Smith, Tsuria, and Maeda as applied by the Examiner does not disclose or suggest the above-identified feature of claim 1 for the reasons stated above. Therefore, independent claim 1 is believed to be patentable over the combination of Smith, Tsuria, and Maeda.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 15 and 26 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Applicant submits that this After-Final Amendment does not require further search and that all of the claims are in condition for allowance. Applicant respectfully requests entry of this After-Final Amendment and early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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